IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH

S.B. CIVIL WRIT PETITION NO.3085/2000

Ram Gopal & Anr.

Versus

Tehsildar & Anr.

DATE OF ORDER :: 19/04/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

None present for petitioner
Mr. M.A. Khan, for respondent

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Instant petition has been filed assailing the demand which has been raised by respondents for making recovery of agriculture loan sanctioned to petitioner's father Bajranglal Meena S/o Shri Devilal Meena on 7th June, 1994. When petitioner failed to repay the loan disbursed, for a sum of Rs.4,94,643/- respondent Bank filed application on 31st March, 2000, before Prescribed Authority under the provisions of Rajasthan Agricultural Credit Operation [Removal of Difficulties] Act, 1974.

This was a common ground that an agriculturalloan was sanctioned and interest was charged on half yearly rest basis. This court in C.W. No.3063/2000, Mukhtyar Singh Vs. Oriental Bank of Commerce & Anr., decided on 22nd February, 2007 placing reliance on the judgment of apex court reported in 1994(5) SCC 213 has considered that in an agricultural loan, the interest has to be charged on yearly rest basis in terms of

judgment of apex court.

In view of judgment of this court dated 22nd February, 2007 [supra], this court consider proper to direct the respondents to determine the liability of petitioner by charging the interest on yearly rest basis and the outstanding dues be revised accordingly. The Prescribed Authority may re-assess the liability which is payable after taking note of what has been observed above.

With the above observations, the writ petition stands disposed of.

[AJAY RASTOGI],J.

FRBOHRA,JR.P.A.